SEP 28 MAN SOL

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 523185363 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 28, 2004 Signature (Lisa H. Smith)

Docket No.: 02008/136002

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Masahiro Ishida et al.

Application No.: 10/824,763

Filed: April 14, 2004

For: TESTING APPARATUS AND TESTING

METHOD

Confirmation No.: 6730

Art Unit: N/A

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed July 29, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney, an Application Data Sheet, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), a Substitute Specification (English translation), Formal Drawings (22 figures, 15 pages), a Verification of Translation, and Part 2 Copy of Notice.

Please charge our Credit Card in the amount of \$1,116.00 covering the fee set forth in 37 CFR 1.16(e) and 1.16(a). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with

Application No.: 10/824,763 Docket No.: 02008/136002

any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0591, under Order No. 02008/136002. A duplicate copy of this paper is enclosed.

Dated: September 28, 2004

Respectfully submitted,

By Jonathan P. Osha

Registration No.: 33,986 OSHA & MAY L.L.P.

1221 McKinney St., Suite 2800

Houston, Texas 77010

(713) 228-8600

(713) 228-8778 (Fax)

76629

09-29-04

Page 1 of 2

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S PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspio.gov

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/824,763

04/14/2004

Masahiro Ishida

02008.136002

CONFIRMATION NO. 6730

FORMALITIES LETTER

OC000000013369334

Date Mailed: 07/29/2004

Jonathan P. Osha OSHA & MAY L.L.P. Suite 2800 1221 McKinneey St. Houston, TX 77010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/30/2004 MMEKONEN 00000058 10824763

01 FC:1001 02 FC:1051 03 FC:1053 04 FC:1201 770.00 DP

FILED UNDER 37 CFR 1.53(b)

130.00 OP 130.00 OP 86.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
 Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine
 the number of claims submitted. Additional claim fees may be due once the number of claims can be
 determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) 2, 4A, 4B, 5, 8, 10, 11, 12, 13, 14, & 15.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1030 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- \$130 for English translation surcharge required.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Attorney Docket No.: 02008/136002

Certificate of Express Mailing Under 37 CFR 1.10

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September 28, 2004 Date

> Lisa H. Smith Typed or printed name of person signing Certificate

Each paper must have its own certificate of mailing, or this certificate must identify Note: each submitted paper.

Application Data Sheet

PTO/SB/17 (10-03) Approved for use through 7/31/2006. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE									
Under the Page work Reduction Act of 1995, no persons are requi	red to respond to a collection of inform				f information	tion unless it displays a valid OMB control number.			
ERFEE TRANSMITTAL	- 1	Complete if Known							
EMBEL IIIANSIVIIIIAL	ļ					10/824,763-Conf. #6730			
for FY 2004			Filing Date			April 14, 2004			
Effective 10/01/2003. Patent fees are subject to annual revision.			First Named Inventor			Masahiro Ishida			
Entertito (Contesta de Caración de Antida Invisión).	-	Examiner Name				Not Yet Assigned			
Applicant claims small entity status. See 37 CFR 1.27			Art Unit			N/A			
TOTAL AMOUNT OF PAYMENT (\$) 1,116.00	Attorney Docket No.).	02008/136002			
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)							
Check X Credit Money Other None Deposit Account: Deposit	3. ADDITIONAL FEES Large Entity Small Entity								
Account 50-0591	Fee	Fee	Fee	Fee	-	Fee Desc	ription		
Number	Code	(\$)	Code	(\$)		. 55 5650		Fee Paid	
Deposit Account Osha & May L.L.P.	1051	130	2051	65	Surcharge	– late filing fe	e or oath	130.00	
Name The Director is authorized to: (check all that apply)	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.				
Charge fee(s) indicated below X Credit any overpayments	1053	130 1053 130 Non-English specification				130.00			
Charge any additional fee(s) or any underpayment of fee(s)	1812	2,520	1812	2,520	For filing a r	equest for exp	parte reexamination		
	1804	920*	1804	920*			of SIR prior to		
Charge fee(s) indicated below, except for the filling fee		Examiner a			Examiner a Requesting	ection publication o	of SIR after		
to the above-identified deposit account.	1805	Examiner a			Examiner a	iction			
FEE CALCULATION	1251	110	2251	55		or reply within			
1. BASIC FILING FEE	1252	420	2252	210			n second month		
Large Entity Small Entity Fee Fee Fee Fee Fee Paid	1253	950	2253	475		or reply within			
Code (\$) Code (\$)	1254	1,480	2254	740	Extension f	or reply within	n fourth month		
1001 770 2001 385 Utility filing fee 770.00	1255	2,010	2255		Extension f	or reply within	n fifth month		
1002 340 2002 170 Design filing fee	1401	330	2401	165	Notice of A	• •			
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing a brief in support of an appeal Request for oral hearing				
1004 770 2004 385 Reissue filing fee 1005 160 2005 80 Provisional filing fee	1403 1451	290	2403 1451	145	•		dia waa araaa adiaa		
	1451	1,510 110	2452	55		revive – unav	olic use proceeding	\vdash	
SUBTOTAL (1) (\$) 770.00	1453	1,330	2453	665		revive - uninte			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,330 2501 665 Utility issue fee (or reissue)						\vdash	
Extra Fee from	1502	480	2502	240	Design issu	•	,		
Total Claims 18 -20** = x = =	1503	640	2503	320	Plant issue			-	
Independent	1460	130	1460	130		the Commis	sioner		
Claims	1807	50	1807	50					
Multiple Dependent							CFR 1.17(q)		
Large Entity Small Entity Fee Fee	1806	180	1806	180	Submission of Information Disclosure Strnt			 	
Code (\$) Code (\$) Fee Description	8021	40	40 8021 40 Recording each patent assignment per property (times number of properties)						
1202 18 2202 9 Claims in excess of 20	1809	770	2809	385		Filing a submission after final rejection			
1201 86 2201 43 Independent claims in excess of 3	1810	770	2810	385	-	37 CFR 1.129(a)) For each additional invention to be			
1203 290 2203 145 Multiple dependent claim, if not paid 1204 86 2204 43 ** Reissue independent claims	•					examined (37CFR 1.129(b))			
1204 86 2204 43 ** Reissue independent claims over original patent	1801	770 2801 385 Request for Continued Examination (RCE) Request for expedited examination							
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802	of a design				application			
<u></u> _		er fee (specify)							
SUBTOTAL (2) (\$) 86.00 *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 26 **or number previously paid, if greater, For Reissues, see above								260.00	
								···	
SUBMITTED BY	Registration No. 22 096					(Complete (if applicable))			
(Attomey/Agent) 55,966						1	(713) 228-8600		
Signature (Date	September 28,	2004	

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Dated: September 28, 2004

Signature: H. Smith (Lisa H. Smith)